

sequence listing is not required. The Specification was also amended (at pages 14 and 15) to correct the discrepancies between the Figure legends and the formal drawings filed during the international stage of the PCT application which gave rise to the instant national stage application.

Applicants also thank Examiner Yu for the telephone interview of December 2, 2003. Claims 2, 4, 8, and 29-35 were amended to delete “encoding Prostate Cancer Antigen (PCA3)”, as discussed and agreed to by the Examiner in the December 2, 2003 telephone interview.

Further, claim 2 has been amended as suggested by the Examiner: (1) to replace the terminology “completely complementary” with “fully complementary”; (2) to introduce high stringency conditions; and (3) to add functional language characterizing the claimed isolated nucleic acid molecules.

Support for the amendments to claim 2 may be found throughout the specification and in particular: at page 10, from lines 12-16; at page 27 from line 10- to page 28, line 10; at page 28, line 26; at page 31, line 1; at page 63, lines 7-11; and at page 68, lines 6-7 (“probes and primers”). Support for the claimed high stringency hybridization conditions can be found for example at page 9, at lines 12-22. Further support for the functional language following “(e)” can be found for example at page 68, lines 9-13, at page 69, lines 3-7 and lines 11-12, as well as at page 71, lines 11-18.

The amendments to claims 6 and 7 are only of an editorial nature. New claims 40-43 are identical to claims 11-14 except for their dependencies. New claim 39, is identical to amended claim 2, except for the functional language following “(e)”. Support for this functional language can be found for example at page 68, lines 13-15. New claims 44 and 45 are dependent claims which incorporate language from claim 8, and find further support at, for example, page 26, line 1.

SEQUENCE RULES AND OBJECTION TO THE SPECIFICATION

Applicant respectfully submits that in view of the amendments to page 7 of the Specification and of the above remarks the submission of a further sequence listing is not required.

Applicants respectfully submits that the objections for the lack of correspondence between the drawings and the figure legends at page 14-15 have been rendered moot by the instant amendments to the Specification.

REJECTIONS UNDER 35 U.S.C. § 112, first and second paragraphs

The rejection of claims 2, 4-14 and 24-38, under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully traversed.

Applicant respectfully submits that the rejection of claim 2 and all dependent claims thereof for the use of "under high stringency conditions" is in error as "high stringency conditions" are clearly defined in the specification. However, solely to advance prosecution, claim 2 has been amended to specifically recite such conditions, rendering the rejection moot. This amendment should not be taken as acquiescence to the rejection.

Further, as discussed in the interview with the Examiner on December 2, 2003, the rejections of claims 2, 4 and 8 for reciting "encoding Prostate Cancer Antigen (PCA3)" has also been rendered moot by the cancellation of that recitation. Accordingly, withdrawal of the rejection is respectfully requested. Applicants note that claims 5-7 are directed to an isolated nucleic acid molecule encoding a PCA3 polypeptide based on the prophetic examples in the specification.

For all of the reasons noted above, withdrawal of the rejection of claims 2, 4-14 and 24-38 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite is respectfully requested.

The rejection of claims 2, 4-14, and 24-38 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement and the enablement requirement is respectfully traversed. As discussed above, the recitation of "encoding Prostate Cancer Antigen (PCA3)" has been deleted from claim 2, thus rendering this rejection moot. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

CONCLUSION


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

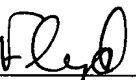
Respectfully submitted,

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